

REMARKS

FORMAL MATTERS:

Claims 1, 4, 7-10, 19-24, and 43-48 are pending after entry of the amendments set forth herein.

Claims 2, 3, 5, 6, 25-26, and 28-31 are canceled without prejudice.

Claims 1, 7, are amended. Support for these amendments is found in the claims as originally filed and thought the specification at, for example, original claims 2 and 3.

No new matter has been added.

ALLOWED CLAIMS

Applicants express gratitude in Examiner's indication that claims 43-48 are allowable and that claim 2 is allowable if rewritten in independent form.

WITHDRAWAL OF PREVIOUS REJECTIONS

Applicants express gratitude in Examiner's indication that all previous rejections have been withdrawn.

REJECTIONS UNDER §112, ¶1

Claims 1, 3-10, 19-26 and 28-31 have been rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. In view of the amendments to the claims, this rejection is respectfully traversed.

Claim 1 (Office Action, page 2)

Claim 1 has been rejected for allegedly being indefinite because the metes and bounds of the claim are unclear. In particular, the Office Action indicates that "it is unclear if the detecting step relates back to the 'detectably labeled RelA...such that the detection of the label provides information regarding the acetylation status of the RelA'" (Office Action, page 2).

Claim 1 has been amended to recite "wherein deacetylation results in release of detectable label from RelA" and that detection of the deacetylated RelA is by detecting a decrease in detectably labeled

RelA. As such, in view of the amendments to the claims, Applicants respectfully request that this rejection be withdrawn.

Claim 3 (Office Action, page 3)

Claim 3 has been rejected for allegedly being indefinite because the metes and bounds of the claim are unclear. Claim 3 has been canceled, rendering this rejection moot.

Claim 5 (Office Action, page 3)

Claim 5 has been rejected for allegedly being indefinite because the metes and bounds of the claim are unclear. Claim 5 has been canceled, rendering this rejection moot.

Claim 6 (Office Action, page 4)

Claim 6 has been rejected for allegedly being indefinite because the metes and bounds of the claim are unclear. Claim 6 has been canceled, rendering this rejection moot.

Claim 7 (Office Action, page 5)

Claim 7 has been rejected for allegedly being indefinite because the metes and bounds of the claim are unclear. In particular, the Office Action indicates that “it is unclear if the detecting step relates back to the ‘detectably labeled RelA...such that the detection of the label provides information regarding the acetylation status of the RelA” (Office Action, page 5).

Claim 7 has been amended to recite “wherein deacetylation results in release of detectable label from RelA” and that detection of the deacetylated RelA is by detecting a decrease in detectably labeled RelA. As such, in view of the amendments to the claims, Applicants respectfully request that this rejection be withdrawn.

Claim 25 (Office Action, page 5)

Claim 25 has been rejected for allegedly being indefinite because the metes and bounds of the claim are unclear. Claim 25 has been canceled, rendering this rejection moot.

REJECTIONS UNDER §112, ¶2

Claims 1, 3-10, 19-26, and 28-31 have been rejected under 25 U.S.C. § 112, first paragraph for allegedly failing to enable any person skilled in the art to use the invention commensurate in scope with the claims. In view of the amendments to the claims, this rejection is traversed.

The Office Action states that “while being enabling for detecting a level of deacetylated RelA, wherein RelA is detectably labeled so that deacetylation results in release of the detectable label from RelA, and said detecting of deacetylated RelA is by detecting a decrease in detectably labeled RelA, does not provide enablement for any other method of detecting a level of deacetylated RelA” (Office Action, page 6).

In the spirit of expediting prosecution and without conceding as to the correctness of the rejection, claims 1 and 7 have been amended to recite “wherein deacetylation results in release of detectable label from RelA” and that detection of the deacetylated RelA is by detecting a decrease in detectably labeled RelA. In addition claims 2-3, 5-6, 25-26, and 28-29 have been canceled.

As such, in view of the amendments to the claims, Applicants respectfully request that this rejection be withdrawn.

REJECTIONS UNDER §102

Claims 1, 4-7, 19-22, 25-26, and 28-31 have been rejected under 35 U.S.C. §102(e) for allegedly being anticipated by Giuliano et al. (U.S. Patent No. 6,416,959). In view of the amendments to the claims, this rejection is respectfully traversed.

In the spirit of expediting prosecution and without conceding as to the correctness of the rejection, claims 1 and 7 have been amended to incorporate the limitations of claim 2, which the Office Action had indicated to be allowable if rewritten in independent form. As such, claims 1 and 7 further recite that “deacetylation results in release of detectable label from RelA” and that detection of the deacetylated RelA is by detecting a decrease in detectably labeled RelA. In addition claims 2-3, 5-6, 25-26, and 28-29 have been canceled.

As such, in view of the amendments to the claims, Applicants respectfully request that this rejection be withdrawn.


CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCAL-234.

Respectfully submitted,
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